

### REMARKS/ARGUMENTS

Submitted herewith is a Petition for Extension of Time Under 37 C.F.R. §1.136(a) to extend the period for filing a response, along with the requisite fee.

Claims 1-20 remain pending in this application. Claim 21 has been withdrawn by the examiner pursuant to a previous restriction requirement and subsequent election by Applicant. Claims 1, 7, and 14 have been amended to clarify that the claimed flooring unit has a single flap which extends along only a first edge of the flooring unit, and that the thickness of said flap is less than the maximum thickness of the main body of the flooring unit. Support for the amendments is found at least in paragraphs 13, 21, 22, 24, and 25, and FIGS. 2, 3, and 6 of the original application, thus Applicant believes that no new matter is added by these amendments to the claims.

Dependent claims 17, 19, and 20 have been amended to reflect that a limitation previously present in each of these claims is now included in Independent claim 14, from which each of claims 17, 19, and 20 depend.

#### Rejections Under 35 U.S.C. §102

In the Office Action of October 27, 2003, the examiner rejected claims 1-19 under 35 U.S.C. §102 as being anticipated by either U.S. Patent No. 6,001,456 to Newland (hereinafter "Newland") or U.S. Patent No. 3,711,362 to Ballard (hereinafter "Ballard"). The examiner also rejected claims 1, 2, 4-6, 7-12, and 14-20 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,587,218 to Betz ("hereinafter "Betz"), and rejected claims 1-16 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,213,870 to Yamamoto (hereinafter "Yamamoto"). Applicant respectfully traverses the examiner's rejections for the following reasons.

*Claims 1, 7, and 14*

Independent claims 1, 7, and 14 (as amended) of the present application each require at least: (1) a main body having opposed first and second edges, and opposed third and fourth edges, (2) wherein said main body comprises an overlapping portion extending adjacent and parallel said second edge, (3) wherein a maximum thickness of said overlapping portion and said third and fourth edges approximately equals a maximum thickness of said main body, and (4) a single, relatively flat flap extending outwardly only from said first edge of said main body having a thickness that is less than the maximum thickness of the main body.

*Newland and Ballard*

With respect to Newland and Ballard, each disclose a mat with a main body portion having a particular thickness, with four thinner edges surrounding the main body portion. (See Newland FIG. 10, and Ballard FIGS. 1 and 5). Newland describes the door mat as having a substantially flat peripheral border or frame surrounding a message assembly comprised of a plurality of triangular or sawtooth members (Newland, col. 3, lines 13-19). Similarly, Ballard describes a floor mat having a peripheral edge with a particular turned-down profile (Ballard, col. 6, lines 61-63). Neither Newland nor Ballard, however, disclose a flooring unit having a main body and a flap extending outwardly only from one edge of the main body, as is required in claims 1, 7, and 14 of the present application. As pointed out by the examiner, Newland and Ballard disclose mats having thinner flap portions extending from all four edges. Likewise, neither Newland nor Ballard disclose a flooring unit having a main body, where the thickness of the mat along the three edges not having a flap is approximately equal to the thickness of the main body portion of the mat, as is required in claims 1, 7, and 14 of the present application.

Again, as cited by the examiner, Newland and Ballard each disclose all four edges of the mat having a thickness less than the thickness of the main body.

Thus, neither Newland nor Ballard disclose every limitation in any of claims 1, 7, or 14 of the present application, and the examiner's rejection of these claims on this basis should be withdrawn.

Betz

Betz discloses a surface covering having a plurality of receiving grooves on one side and a plurality of working grooves on the other side. As seen in FIGS. 1 and 2 of Betz, two opposing edges of the covering have a thickness substantially less than the thickness of the main portion of the mat. By contrast, claims 1, 7, and 14 of the present application require that the thickness of three edges of the flooring unit be approximately equal to the thickness of the main body of the flooring unit.

Claims 1, 7, and 14 further require a single flap extending only from a first edge of the main flooring unit. Betz, on the other hand, discloses flaps having a thickness less than the main body portion along two opposed edges of the mat. Thus, Betz does not disclose every limitation present in any one of claims 1, 7, and 14 of the present application.

Since Betz does not disclose a single flap extending only from a first edge of the mat, as is required in claims 1, 7, and 14 of the present application, the examiner's rejection on this basis should be withdrawn.

Yamamoto

Yamamoto discloses a bendable ornamental panel having a tapered side end thin portion along an edge of the panel (see Yamamoto, FIGS. 1-4, and col. 4, lines 30-40). As

described in Yamamoto, side end thin portion 7 has a tapered front side (col. 3, lines 60-65) which is formed to be thinner gradually from the base end portion to a tip end.

By contrast, the flap of the present application, as described in paragraphs 13 of the original application, is "relatively flat" and of uniform thickness, so as to allow overlapping portion of an adjoining flooring unit to lie flush on top of the flap (original application, paragraph 22). Likewise, unlike the disclosure in Yamamoto, claims 1, 7, and 14 of the present application require a flap that is "relatively flat" and of "uniform thickness".

Thus Yamamoto not disclose every limitation present in any one of claims 1, 7, and 14 of the present application, and the examiner's rejection on this basis should be withdrawn.

Since neither Newland, Ballard, Betz, nor Yamamoto disclose every limitation of any one of independent claims 1, 7, or 14 of the present application, claims 1, 7, and 14 are not anticipated by any of these references, and the examiner's rejection of these claims should be withdrawn.

Claims 2-6, 8-13, and 15-20

Claims 2-6 depend from claim 1, claims 8-13 depend from claim 7, and claims 15-20 depend from claim 14. Since claims 1, 7, and 14 are allowable for the reasons set forth above, claims 2-6, 8-13, and 15-20 are thus also allowable, and the examiner's rejection of these claims should also be withdrawn.

For the reasons stated above and the amendments submitted herewith, Applicant believes that the claims of the present application are in condition for allowance and eventual issuance, and such action is respectfully requested

Should the Examiner have any further questions or comments which need to be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By: 

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